

DETAILED ACTION

1. This action is in response to the amendment filed on April 16, 2008. Claims 1, 4-8, 10-11, 13-14 and 16-20 are pending and have been considered below.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott Margo on May 15, 2008.

The Claims in the application has been amended as follows.

In Claims:

- (1) In claim 1, line 2; insert – **(analog-to-digital converter)** – between “**ADC**” and “,”.
- (2) In claim 1, at the end of line 2; insert a colon -- : -- after “**comprising**”.
- (3) In claim 1, line 19; insert – **a** – between “**of**” and “**least**”.
- (4) In claim 11, line 23; insert -- **a** -- between “**of**” and “**least**”.

Allowable Subject Matter

3. Claims 1, 4-8, 10-11, 13-14 and 16-20 are allowed.

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4. The following is an examiner's statement of reasons for allowance:

5. The prior art of record Teo et al. (US 6,985,545), Tsuie et al. (US 2004/0223449) and Karaoguz (US 2004/0029620) fails to disclose that the processing of the signal is stopped according to the second/first data rate when the information in the primary digital signal meets the first/second predetermined mode and furthermore the Prior art doesn't disclose or teach that the basic data rate is an integer multiple of the data rate of least distortion-tolerant or most complicated or most complex modulation format corresponding to one of the first predetermined mode and the second predetermined mode. Also the other cited reference Nangia et al. (US 2007/0091866) discloses system and method for multirate and multiuser modulation where different users have different data rate that are integer multiples of one another (paragraphs 0066 and 0092), but fails to teach that the basic data rate is an integer multiple of the data rate of least distortion-tolerant or most complicated or most complex modulation format corresponding to one of the first predetermined mode and the second predetermined mode.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HIRDEPAL SINGH whose telephone number is

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(571)270-1688. The examiner can normally be reached on Mon-Fri (Alternate Friday Off)8:00AM-5:00PMEST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. S./

Examiner, Art Unit 2611

May 15, 2008

/Shuwang Liu/

Supervisory Patent Examiner, Art Unit 2611